

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

PABLO DIAZ,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 14-cv-00533-JPG-PMF
	)	
JODI STORY, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

This matter comes before the court on the Report and Recommendation (“R & R”) (Doc. 29) of Magistrate Judge Philip M. Frazier with regard to Defendant Jodi Story’s Motion to Dismiss for Lack of Prosecution (Doc. 27). The Plaintiff did not file an objection to the R & R.

The Court may accept, reject or modify, in whole or in part, the findings or recommendations of the magistrate judge in a report and recommendation. Fed. R. Civ. P. 72(b)(3). The Court must review *de novo* the portions of the report to which objections are made. The Court has discretion to conduct a new hearing and may consider the record before the magistrate judge anew or receive any further evidence deemed necessary. *Id.* “If no objection or only partial objection is made, the district court judge reviews those unobjected portions for clear error.” *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999).

The Court has received no objection to the R & R. Further, the Plaintiff failed to respond to the Court’s Show Cause Order (Doc. 28) and failed to respond to the Defendant’s Motion to Dismiss (Doc. 27). The date of Plaintiff’s last contact with the Court is November 21, 2014.

As such, the Court agrees with Magistrate Judge Frazier that it appears that the Plaintiff is not interested in this litigation since being released from prison and has abandoned this case. The Court believes that any other less severe sanction would have little or no effect since

Plaintiff has demonstrated that he is not responding to Court orders or attempts at contact by the defendants.

Therefore, the Court has reviewed the entire file and finds that the R & R is not clearly erroneous. Accordingly, the Court hereby **ADOPTS** the Report in its entirety (Doc. 29) and **GRANTS** Defendant Jodi Story's Motion (Doc. 27) to Dismiss for Lack of Prosecution. The Clerk of Court is **DIRECTED** to enter judgment accordingly.

**IT IS SO ORDERED.**

**DATED:** 10/7/2015

s/J. Phil Gilbert  
**J. PHIL GILBERT**  
**DISTRICT JUDGE**